



General Assembly

February Session, 2000

Raised Bill No. 244

LCO No. 1011

Referred to Committee on Select Committee on Aging

Introduced by:
(AGE)

An Act Reestablishing The Department On Aging.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (a) There is established a Department on Aging
2 which shall be under the direction and supervision of the
3 Commissioner on Aging who shall be appointed by the Governor in
4 accordance with the provisions of sections 4-5 to 4-8, inclusive, of the
5 general statutes, as amended, with the powers and duties therein
6 prescribed. The commissioner shall be knowledgeable and experienced
7 with respect to the conditions and needs of elderly persons and shall
8 serve on a full-time basis.

9 (b) The Commissioner on Aging shall administer all laws under the
10 jurisdiction of the Department on Aging and shall employ the most
11 efficient and practical means for the provision of care and protection of
12 elderly persons. The commissioner shall have the power and duty to
13 do the following: (1) Administer, coordinate and direct the operation
14 of the department; (2) adopt and enforce regulations, in accordance
15 with chapter 54 of the general statutes, as necessary to implement the
16 purposes of the department as established by statute; (3) establish rules
17 for the internal operation and administration of the department; (4)

18 establish and develop programs and administer services to achieve the
19 purposes of the department; (5) contract for facilities, services and
20 programs to implement the purposes of the department; (6) act as
21 advocate for the need of more comprehensive and coordinated
22 programs for elderly persons; (7) assist and advise all appropriate
23 state, federal, local and area planning agencies for elderly persons in
24 the performance of their functions and duties pursuant to federal law
25 and regulation; (8) plan services and programs for elderly persons; (9)
26 coordinate outreach activities by public and private agencies serving
27 elderly persons; and (10) consult and cooperate with area and private
28 planning agencies.

29 (c) The functions, powers, duties and personnel of the Division of
30 Elderly Services of the Department of Social Services shall be
31 transferred to the Department on Aging pursuant to the provisions of
32 section 4-38d and 4-38e of the general statutes.

33 (d) Any order or regulation of the Department of Social Services or
34 the Commission on Aging which is in force on July 1, 1999, shall
35 continue in force and effect as an order or regulation until amended,
36 repealed or superseded pursuant to law.

37 Sec. 2. (NEW) (a) The Department on Aging shall continuously
38 study the conditions and needs of elderly persons in this state in
39 relation to nutrition, transportation, home-care, housing, income,
40 employment, health, recreation and other matters. It shall be
41 responsible, in cooperation with federal, state, local and area planning
42 agencies on aging, for the overall planning, development and
43 administration of a comprehensive and integrated social service
44 delivery system for elderly persons and the aged. The department
45 shall: (1) Measure the need for services; (2) survey methods of
46 administration of programs for service delivery; (3) provide for
47 periodic evaluations of social services; (4) maintain technical,
48 information, consultation and referral services in cooperation with
49 other state agencies to local and area public and private agencies to the

50 fullest extent possible; (5) develop and coordinate educational
51 outreach programs for the purposes of informing the public and
52 elderly persons of available programs; (6) cooperate in the
53 development of performance standards for licensing of residential and
54 medical facilities with appropriate state agencies; (7) supervise the
55 establishment, in selected areas and local communities of the state, of
56 pilot programs for elderly persons; (8) coordinate with the Department
57 of Transportation to provide adequate transportation services related
58 to the needs of elderly persons; and (9) cooperate with other state
59 agencies to provide adequate and alternate housing for elderly
60 persons, including congregate housing, as defined in section 8-119e of
61 the general statutes. Subject to the provisions of chapter 67 of the
62 general statutes, the Department on Aging may employ such clerical
63 and other assistance as it requires to carry out its duties.

64 (b) The Department on Aging shall be the single state agency for the
65 administration, monitoring and coordination of programs for elderly
66 persons and the aged pursuant to any state or federal law or
67 regulation, except as otherwise provided in the general statutes or as
68 required by federal law as a prerequisite to federal reimbursement or
69 grants.

70 Sec. 3. (NEW) (a) The Department on Aging may receive, hold,
71 invest and disburse money, securities, supplies or equipment offered it
72 for any of its purposes by the federal government or by any person,
73 corporation or association. The department may, within the limits of
74 funds available to it from state appropriations or otherwise, enter into
75 agreements with federal agencies for programs to help older persons
76 in the field of community planning, services and training or otherwise,
77 as is or may be authorized under federal law. The department shall
78 include in its annual report an account of any property so received, the
79 names of its donors, its location, the use made thereof and the amount
80 of unexpended balances on hand.

81 (b) The Department on Aging may contract with any public or

82 private agency or person to provide services for the elderly.

83 Sec. 4. Section 17b-420 of the general statutes is repealed and the
84 following is substituted in lieu thereof:

85 (a) There is established a Commission on Aging within the
86 Department on Aging to advocate on behalf of elderly persons on
87 issues and programs of concern to the elderly including, but not
88 limited to, health care, nutrition, housing, employment, transportation,
89 legal assistance and economic security. The commission shall be
90 composed of eleven voting members who are knowledgeable about
91 areas of interest to the elderly to be appointed as follows: Five by the
92 Governor, one by the president pro tempore of the Senate, one by the
93 speaker of the House of Representatives, one by the majority leader of
94 the Senate, one by the majority leader of the House of Representatives,
95 one by the minority leader of the Senate and one by the minority
96 leader of the House of Representatives. The initial appointments to the
97 commission shall be made by August 15, 1993. The initial term for
98 three of the members appointed by the Governor and the members
99 appointed by the president pro tempore of the Senate, majority leader
100 of the House of Representatives and minority leader of the Senate shall
101 expire August 15, 1997, and the initial term for two of the members
102 appointed by the Governor and the members appointed by the speaker
103 of the House of Representatives, majority leader of the Senate and
104 minority leader of the House of Representatives shall expire August
105 15, 1995. Thereafter, all members shall be appointed for a term of four
106 years from August fifteenth in the year of their appointment. Members
107 shall be limited to two consecutive terms. The commission shall
108 include the following ex-officio nonvoting members: The chairpersons
109 and ranking members of the joint standing committee of the General
110 Assembly having cognizance of matters concerning the provision of
111 services to the elderly and the Commissioners of Social Services, Public
112 Health, Mental Health and Addiction Services, Mental Retardation,
113 Economic and Community Development and Transportation, the
114 Insurance Commissioner and the Labor Commissioner. The

115 chairperson of the commission shall be selected by the Governor.
116 Members of the commission shall receive no compensation for their
117 services, but shall be reimbursed for any necessary expenses incurred
118 in the performance of their duties. The Commissioner of Social
119 Services shall convene the initial organizational meeting of the
120 Commission on Aging on or before September 1, 1993.

121 (b) The Commission on Aging shall: (1) Prepare and issue an annual
122 report to [the Governor, General Assembly and the legislative body of
123 each municipality in the state] Commissioner on Aging on its findings
124 and recommendations concerning services for the elderly in the state;
125 (2) conduct annual public hearings on issues affecting the well-being of
126 the elderly in the state; [(3) meet at least monthly with the
127 commissioner and the head of the Division of Elderly Services of the
128 Department of Social Services to review and comment on the policies
129 and procedures of the department concerning the elderly; (4) review
130 and comment on the budget of the Division of Elderly Services of the
131 Department of Social Services; (5)] (3) meet as needed with state
132 officials to discuss issues affecting the elderly; [(6)] and (4) conduct
133 studies and report on issues affecting the elderly. [; and (7) disseminate
134 information to the business community, education community, state
135 and local governments and the media on the nature and scope of the
136 problems faced by the elderly. The commission may accept any gifts,
137 donations or bequests for any of the purposes of this section.]

138 (c) There shall be an executive director of the Commission on Aging
139 who shall be appointed by the commissioner after consultation with
140 the commission. There may be additional staff within available
141 appropriations. The commission shall be within the Department [of
142 Social Services for administrative purposes only] on Aging.

143 Sec. 5. Subsection (a) of section 17b-28 of the general statutes, as
144 amended by public act 99-167, is repealed and the following is
145 substituted in lieu thereof:

146 (a) There is established a council which shall advise the

147 Commissioner of Social Services on the planning and implementation
148 of a system of Medicaid managed care and shall monitor such
149 planning and implementation and shall advise the Waiver Application
150 Development Council, established pursuant to section 17b-28a, on
151 matters including, but not limited to, eligibility standards, benefits,
152 access and quality assurance. The council shall be composed of the
153 chairpersons and ranking members of the joint standing committees of
154 the General Assembly having cognizance of matters relating to human
155 services and public health, or their designees; two members of the
156 General Assembly, one to be appointed by the president pro tempore
157 of the Senate and one to be appointed by the speaker of the House of
158 Representatives; the [director of the Commission on Aging, or a
159 designee] the Commissioner on Aging, or the commissioner's
160 designee; the director of the Commission on Children, or a designee;
161 two community providers of health care, to be appointed by the
162 president pro tempore of the Senate; two representatives of the
163 insurance industry, to be appointed by the speaker of the House of
164 Representatives; two advocates for persons receiving Medicaid, one to
165 be appointed by the majority leader of the Senate and one to be
166 appointed by the minority leader of the Senate; one advocate for
167 persons with substance abuse disabilities, to be appointed by the
168 majority leader of the House of Representatives; one advocate for
169 persons with psychiatric disabilities, to be appointed by the minority
170 leader of the House of Representatives; two advocates for the
171 Department of Children and Families foster families, one to be
172 appointed by the president pro tempore of the Senate and one to be
173 appointed by the speaker of the House of Representatives; two
174 members of the public who are currently recipients of Medicaid, one to
175 be appointed by the majority leader of the House of Representatives
176 and one to be appointed by the minority leader of the House of
177 Representatives; two representatives of the Department of Social
178 Services, to be appointed by the Commissioner of Social Services; two
179 representatives of the Department of Public Health, to be appointed by
180 the Commissioner of Public Health; two representatives of the

181 Department of Mental Health and Addiction Services, to be appointed
182 by the Commissioner of Mental Health and Addiction Services; two
183 representatives of the Department of Children and Families, to be
184 appointed by the Commissioner of Children and Families; two
185 representatives of the Office of Policy and Management, to be
186 appointed by the Secretary of the Office of Policy and Management;
187 one representative of the office of the State Comptroller, to be
188 appointed by the State Comptroller and the members of the Health
189 Care Access Board who shall be ex-officio members and who may not
190 designate persons to serve in their place. The council shall choose a
191 chair from among its members. The joint committee on Legislative
192 Management shall provide administrative support to such chair. The
193 council shall convene its first meeting no later than June 1, 1994.

194 Sec. 6. Section 17b-421 of the general statutes is repealed and the
195 following is substituted in lieu thereof:

196 The state shall be divided into five elderly planning and service
197 areas, in accordance with federal law and regulations, each having an
198 area agency on aging to carry out the mandates of the federal Older
199 Americans Act of 1965, as amended. The area agencies shall (1)
200 represent elderly persons within their geographic areas, (2) develop an
201 area plan for approval by the Department of [Social Services] on Aging
202 and upon such approval administer the plan, (3) coordinate and assist
203 local public and nonprofit, private agencies in the development of
204 programs, (4) receive and distribute federal and state funds for such
205 purposes, in accordance with applicable law, (5) carry out any
206 additional duties and functions required by federal law and
207 regulations.

208 Sec. 7. Section 17b-422 of the general statutes is repealed and the
209 following is substituted in lieu thereof:

210 (a) The [state Department of Social Services] Department on Aging
211 shall equitably allocate, in accordance with federal law, federal funds
212 received under Title IIIB and IIIC of the Older Americans Act to the

213 five area agencies on aging established pursuant to section 17b-421, as
214 amended by this act. The department, before seeking federal approval
215 to spend any amount above that allotted for administrative expenses
216 under said act, shall inform the joint standing committee of the
217 General Assembly having cognizance of matters relating to human
218 services that it is seeking such approval.

219 (b) Sixty per cent of the state funds appropriated to the five area
220 agencies on aging for elderly nutrition and social services shall be
221 allocated in the same proportion as allocations made pursuant to
222 subsection (a) of this section. Forty per cent of all state funds
223 appropriated to the five area agencies on aging for elderly nutrition
224 and social services used for purposes other than the required
225 nonfederal matching funds shall be allocated at the discretion of the
226 [Commissioner of Social services] Commissioner on Aging, in
227 consultation with the area agencies on aging, based on their need for
228 such funds. Any state funds appropriated to the five area agencies on
229 aging for administrative expenses shall be allocated equally.

230 (c) The [state Department of Social Services] Department on Aging
231 in consultation with the five area agencies on aging shall review the
232 method of allocation set forth in subsection (a) and shall report any
233 findings or recommendations to the joint standing committees on
234 appropriations and human services.

235 (d) An area agency may request a person participating in the elderly
236 nutrition program to pay a voluntary fee for meals furnished except
237 that no eligible person shall be denied a meal due to an inability to pay
238 such fee.

239 Sec. 8. Section 17b-423 of the general statutes is repealed and the
240 following is substituted in lieu thereof:

241 (a) [The state Department of Social Services by July 1, 1987,] Not
242 later than January 1, 2001, the Department on Aging shall prepare and
243 routinely update a community services policy manual. The pages of

244 such manual shall be consecutively numbered and indexed, containing
245 all departmental policy regulations and substantive procedure. Said
246 manual shall be published by the department and distributed so that it
247 is available to all district, subdistrict and field offices of the [state]
248 Department of Social Services and the Department on Aging. The
249 [state Department of Social Services] Department on Aging shall adopt
250 such policy manual in regulation form in accordance with the
251 provisions of chapter 54. The department may operate under any new
252 policy necessary to conform to a requirement of a federal or joint state
253 and federal program. The department may operate under any new
254 policy while it is in the process of adopting the policy in regulation
255 form, provided the [state Department of Social Services] Department
256 on Aging prints notice of intent to adopt the regulations in the
257 Connecticut Law Journal within twenty days after adopting the policy.
258 Such policy shall be valid until the time final regulations are effective.

259 (b) The [state Department of Social Services] Department on Aging
260 shall write the community services policy manual using plain
261 language as described in section 42-152. The manual shall include an
262 index for frequent referencing and a separate section or manual which
263 specifies procedures to follow to clarify policy.

264 Sec. 9. Section 17b-424 of the general statutes is repealed and the
265 following is substituted in lieu thereof:

266 The Commissioner [of Social Services] on Aging shall establish an
267 adult foster care program which shall provide room, board and
268 personal care services in a home or substantially equivalent
269 environment to elderly persons who volunteer and may otherwise be
270 placed in a nursing home or who are inappropriately institutionalized.
271 The commissioner shall adopt regulations, in accordance with the
272 provisions of chapter 54, to administer this program.

273 Sec. 10. Section 17b-425 of the general statutes is repealed and the
274 following is substituted in lieu thereof:

275 The Department [of Social Services] on Aging may make a grant to
276 any city, town or borough or public or private agency, organization or
277 institution for the following purposes: (a) For community planning
278 and coordination of programs carrying out the purposes of the Older
279 Americans Act of 1965, as amended; (b) for demonstration programs or
280 activities particularly valuable in carrying out such purposes; (c) for
281 training of special personnel needed to carry out such programs and
282 activities; (d) for establishment of new or expansion of existing
283 programs to carry out such purposes, including establishment of new
284 or expansion of existing centers of service for elderly persons,
285 providing recreational, cultural and other leisure time activities, and
286 informational, transportation, referral and preretirement and
287 postretirement counseling services for elderly persons and assisting
288 such persons in providing volunteer community or civic services,
289 except that no costs of construction, other than for minor alterations
290 and repairs, shall be included in such establishment or expansion; (e)
291 for programs to develop or demonstrate approaches, methods and
292 techniques for achieving or improving coordination of community
293 services for elderly or aging persons and such other programs and
294 services as may be allowed under Title III of the Older Americans Act
295 of 1965, as amended, or to evaluate these approaches, techniques and
296 methods, as well as others which may assist elderly or aging persons
297 to enjoy wholesome and meaningful living and to continue to
298 contribute to the strength and welfare of the state and nation.

299 Sec. 11. Section 17b-426 of the general statutes is repealed and the
300 following is substituted in lieu thereof:

301 The Department [of Social Services] on Aging may use moneys
302 appropriated for the purposes of section 17b-425, as amended by this
303 act, for the expenses of administering the grant program under said
304 section, provided the total of such moneys so used shall not exceed
305 five per cent of the moneys so appropriated.

306 Sec. 12. Subsection (a) of section 17b-427 of the general statutes is

307 repealed and the following is substituted in lieu thereof:

308 (a) The Department [of Social Services] on Aging shall establish a
309 program to provide assistance to Medicare patients. The program
310 shall: (1) Provide for toll-free telephone advice and information on
311 Medicare benefits and the Medicare appeals process from a qualified
312 attorney or paralegal at least five days per week during normal
313 business hours and (2) provide for the preparation and distribution of
314 written materials to Medicare patients, their families and senior citizen
315 organizations regarding Medicare benefits.

316 Sec. 13. Section 4-5 of the general statutes is repealed and the
317 following is substituted in lieu thereof:

318 As used in sections 4-6, 4-7 and 4-8, the term "department head"
319 means Secretary of the Office of Policy and Management,
320 Commissioner of Administrative Services, Commissioner on Aging,
321 Commissioner of Revenue Services, Commissioner of Banking,
322 Commissioner of Children and Families, Commissioner of Consumer
323 Protection, Commissioner of Correction, Commissioner of Economic
324 and Community Development, State Board of Education,
325 Commissioner of Environmental Protection, Commissioner of
326 Agriculture, Commissioner of Public Health, Insurance Commissioner,
327 Labor Commissioner, Liquor Control Commission, Commissioner of
328 Mental Health and Addiction Services, Commissioner of Public Safety,
329 Commissioner of Social Services, Commissioner of Mental Retardation,
330 Commissioner of Motor Vehicles, Commissioner of Transportation,
331 Commissioner of Public Works, Commissioner of Veterans' Affairs,
332 Commissioner of Health Care Access, Chief Information Officer and
333 the chairperson of the Public Utilities Control Authority.

334 Sec. 14. Section 4-38c of the general statutes is repealed and the
335 following is substituted in lieu thereof:

336 There shall be within the executive branch of state government the
337 following departments: Office of Policy and Management, Department

338 of Administrative Services, Department of Revenue Services,
339 Department of Banking, Department of Agriculture, Department of
340 Children and Families, Department of Consumer Protection,
341 Department of Correction, Department of Economic and Community
342 Development, State Board of Education, Department of Environmental
343 Protection, Department of Public Health, Board of Governors of
344 Higher Education, Insurance Department, Labor Department,
345 Department of Mental Health and Addiction Services, Department of
346 Mental Retardation, Department of Public Safety, Department of Social
347 Services, Department of Transportation, Department of Motor
348 Vehicles, Department of Veterans' Affairs, Department on Aging,
349 Department of Public Works and Department of Public Utility Control.

350 Sec. 15. Section 7-127b of the general statutes is repealed and the
351 following is substituted in lieu thereof:

352 (a) The chief elected official or the chief executive officer if by
353 ordinance of each municipality shall appoint a municipal agent for
354 elderly persons. Such agent shall be a member of the municipality's
355 commission on aging, if any, a member of another agency that serves
356 elderly persons, an elected official of the state or the municipality or a
357 responsible resident of the municipality who has demonstrated an
358 interest in the elderly or has been involved in programs in the field of
359 aging.

360 (b) Each municipal agent shall (1) disseminate information to
361 elderly persons and assist such persons in learning about the
362 community resources available to them and publicize such resources
363 and benefits; (2) assist elderly persons in applying for federal and
364 other benefits available to such persons; (3) submit written reports at
365 least annually to the chief elected official, chief executive officer,
366 legislative body and committee or commission on aging of the
367 municipality, if any, and to the [state Department of Social Services]
368 Department on Aging on the services they have provided, the needs
369 and problems of the elderly and any recommendations for municipal

370 action with regard to elderly persons.

371 (c) Each municipal agent shall serve for a term of two or four years,
372 at the discretion of the appointing authority of each municipality, and
373 may be reappointed. If more than one agent is necessary to carry out
374 the purposes of this section, the appointing authority, in his discretion,
375 may appoint one or more assistant agents. The town clerk in each
376 municipality shall notify the [state Department of Social Services]
377 Department on Aging immediately of the appointment of a new
378 municipal agent. Each municipality may provide to its municipal agent
379 resources sufficient for such agent to perform the duties of the office.

380 (d) The [state Department of Social Services] Department on Aging
381 shall be responsible for assuring that the provisions of this section are
382 being carried out by municipalities, and shall adopt and disseminate to
383 municipalities guidelines as to the role and duties of municipal agents
384 and such informational and technical materials to assist such agents in
385 performance of their duties. Said department shall provide training for
386 municipal agents in accordance with their needs and the resources of
387 the department and in cooperation with area agencies on aging. The
388 department shall sponsor at least one training session in each of the
389 planning and service areas of the Department [of Social Services] on
390 Aging. Such training shall include, but not be limited to, information,
391 from updated lists, on the availability of housing. Each municipal
392 agent shall attend at least one such session. Said department shall
393 assist such agents to develop and maintain simple records about the
394 needs of elderly persons and the services provided to them, which
395 records shall be confidential and used only to provide data that is
396 useful to the [state Department of Social Services] Department on
397 Aging and the area agencies on aging in the preparation of the annual
398 state and area plans.

399 Sec. 16. Subsection (a) of section 9-19h of the general statutes, as
400 amended by section 39 of public act 99-268, is repealed and the
401 following is substituted in lieu thereof:

402 (a) The Department [of Social Services] on Aging, the Labor
403 Department and the Department of Motor Vehicles shall make voter
404 registration information and materials available to the public. Such
405 information and materials shall be placed in public areas of the offices
406 of such departments. The State Library and the libraries of the state's
407 public institutions of higher education shall also make such
408 information and materials available to users of the libraries. The
409 Secretary of the State shall provide such departments, such libraries
410 and any libraries open to the public with suitable nonpartisan
411 literature, materials and voter registration application forms
412 authorized under sections 9-23g and 9-23h. The secretary shall also
413 provide to the Department [of Social Services] on Aging, the Labor
414 Department and the Department of Motor Vehicles any furniture
415 needed to display such literature, materials and forms.

416 Sec. 17. Subsections (a) and (b) of section 10-183l of the general
417 statutes are repealed and the following is substituted in lieu thereof:

418 (a) The management of the system shall continue to be vested in the
419 Teachers' Retirement Board, which shall consist of nine members
420 including the Insurance Commissioner, the Commissioner [of Social
421 Services] on Aging and the Commissioner of Education, or their
422 designees, who shall be members of the board, ex officio. On or before
423 June 15, 1983, and quadrennially thereafter, the members of such
424 system shall elect from their number, in a manner to be prescribed by
425 said board, three persons to serve as members of said board for terms
426 of four years beginning July first following such election. If a vacancy
427 occurs in the positions filled by the members of said system who are
428 not retired, said board shall elect a member of the system who is not
429 retired to fill the unexpired portion of the term. If a vacancy occurs in
430 the position filled by the retired member of said system, said board
431 shall elect a retired member of the system to fill the unexpired portion
432 of the term. The Governor shall appoint three public members to said
433 board in accordance with the provisions of section 4-9a. The members
434 of the board shall serve without compensation, but shall be reimbursed

435 for any expenditures or loss of salary or wages which they incur
436 through service on the board.

437 (b) On and after July 1, 1991, the management of the system shall
438 continue to be vested in the Teachers' Retirement Board, which shall
439 consist of twelve members including the Commissioner [of Social
440 Services] on Aging and the Commissioner of Education, or their
441 designees, who shall be members of the board, ex officio. On or before
442 June 15, 1985, and quadrennially thereafter, the members of such
443 system shall elect from their number, in a manner prescribed by said
444 board, two persons to serve as members of said board for terms of four
445 years beginning July first following such election. Both of such persons
446 shall be active teachers who shall be nominated by the members of the
447 system who are not retired and elected by all the members of the
448 system. On or before July 1, 1991, and quadrennially thereafter, the
449 members of such system shall elect from their number, in a manner
450 prescribed by said board, three persons to serve as members of said
451 board for terms of four years beginning July first following such
452 election. Two of such persons shall be retired teachers who shall be
453 nominated by the retired members of the system and elected by all the
454 members of the system and one shall be an active teacher who shall be
455 nominated by the members of the system who are not retired and
456 elected by all the members of the system. If a vacancy occurs in the
457 positions filled by the members of said system who are not retired,
458 said board shall elect a member of the system who is not retired to fill
459 the unexpired portion of the term. If a vacancy occurs in the positions
460 filled by the retired members of said system, said board shall elect a
461 retired member of the system to fill the unexpired portion of the term.
462 The Governor shall appoint five public members to said board in
463 accordance with the provisions of section 4-9a. The members of the
464 board shall serve without compensation, but shall be reimbursed for
465 any expenditures or loss of salary or wages which they incur through
466 service on the board. All decisions of the board shall require the
467 approval of six members of the board or a majority of the members
468 who are present, whichever is greater.

469 Sec. 18. Section 17b-251 of the general statutes is repealed and the
470 following is substituted in lieu thereof:

471 The Department [of Social Services] on Aging shall establish an
472 outreach program to educate consumers as to: (1) The need for long-
473 term care; (2) mechanisms for financing such care; (3) the availability
474 of long-term care insurance; and (4) the asset protection provided
475 under sections 17b-252 to 17b-254, inclusive, and 38a-475. The
476 Department [of Social Services] on Aging shall provide public
477 information to assist individuals in choosing appropriate insurance
478 coverage.

479 Sec. 19. Subsection (a) of section 17b-792 of the general statutes is
480 repealed and the following is substituted in lieu thereof:

481 (a) The Department [of Social Services] on Aging shall be
482 responsible for the administration of programs which provide
483 nutritionally sound diets to needy elderly persons and for the
484 expansion of such programs when possible. Such programs shall be
485 continued in such a manner as to fully utilize congregate feeding and
486 nutrition education of elderly citizens who qualify for such program.

487 Sec. 20. Subsection (a) of section 19a-495 of the general statutes is
488 repealed and the following is substituted in lieu thereof:

489 (a) The Department of Public Health shall, after consultation with
490 the appropriate public and voluntary hospital planning agencies,
491 establish classifications of institutions. It shall, in its Public Health
492 Code, adopt, amend, promulgate and enforce such regulations based
493 upon reasonable standards of health, safety and comfort of patients
494 and demonstrable need for such institutions, with respect to each
495 classification of institutions to be licensed under sections 19a-490 to
496 19a-503, inclusive, after consultation with the Commissioner on Aging,
497 including their special facilities, as will further the accomplishment of
498 the purposes of said sections in promoting safe, humane and adequate
499 care and treatment of individuals in institutions. Said department shall

500 adopt such regulations concerning home health care agencies and
501 homemaker-home health aide agencies, as defined in section 19a-490.

502 Sec. 21. Section 19a-531 of the general statutes is repealed and the
503 following is substituted in lieu thereof:

504 Any employee of the Department of Public Health, [or] the
505 Department of Social Services or the Department on Aging or any
506 regional ombudsman who gives or causes to be given any advance
507 notice to any nursing home facility, directly or indirectly, that an
508 investigation or inspection is under consideration or is impending or
509 gives any information regarding any complaint submitted pursuant to
510 section 17b-408, or 19a-523 prior to an on-the-scene investigation or
511 inspection of such facility, unless specifically mandated by federal or
512 state regulations to give advance notice, shall be guilty of a class B
513 misdemeanor and may be subject to dismissal, suspension or demotion
514 in accordance with chapter 67.

515 Sec. 22. Subsection (f) of section 22a-256c of the general statutes is
516 repealed and the following is substituted in lieu thereof:

517 (f) The Commissioner of Environmental Protection, in consultation
518 with the Commissioner [of Social Services] on Aging, shall assist senior
519 citizen centers in the establishment of a program for the collection of
520 mercuric oxide batteries. The program shall provide for the safe
521 disposal and recycling of such batteries and shall provide guidelines
522 for containers suitable for the safe collection and disposal of such
523 batteries.

524 Sec. 23. Section 38a-475 of the general statutes is repealed and the
525 following is substituted in lieu thereof:

526 The Insurance Department shall only precertify long-term care
527 insurance policies which (1) alert the purchaser to the availability of
528 consumer information and public education provided by the
529 Department [of Social Services] on Aging pursuant to section [17a-307]

530 17b-251, as amended by this act; (2) offer the option of home and
531 community-based services in addition to nursing home care; (3) in all
532 home care plans, include case management services delivered by an
533 access agency approved by the Office of Policy and Management and
534 the Department [of Social Services] on Aging as meeting the
535 requirements for such agency as defined in regulations adopted
536 pursuant to subsection (e) of section 17b-342, which services shall
537 include, but need not be limited to, the development of a
538 comprehensive individualized assessment and care plan and, as
539 needed, the coordination of appropriate services and the monitoring of
540 the delivery of such services; (4) provide inflation protection; (5)
541 provide for the keeping of records and an explanation of benefit
542 reports on insurance payments which count toward Medicaid resource
543 exclusion; and (6) provide the management information and reports
544 necessary to document the extent of Medicaid resource protection
545 offered and to evaluate the Connecticut Partnership for Long-Term
546 Care. No policy shall be precertified if it requires prior hospitalization
547 or a prior stay in a nursing home as a condition of providing benefits.
548 The commissioner may adopt regulations, in accordance with chapter
549 54, to carry out the precertification provisions of this section.

550 Sec. 24. Section 45a-651 of the general statutes is repealed and the
551 following is substituted in lieu thereof:

552 (a)(1) If no suitable conservator can be found after due diligence and
553 the court finds that the health or welfare of the respondent is in
554 jeopardy, the Commissioner [of Social Services] on Aging shall accept
555 appointment within available appropriations, as conservator of the
556 estate of any respondent sixty years of age or older found incapable
557 under sections 45a-644 to 45a-662, inclusive, of managing his or her
558 affairs, whose liquid assets, excluding burial insurance in an amount
559 up to one thousand five hundred dollars, do not exceed one thousand
560 five hundred dollars at the time of such appointment. (2) If no suitable
561 conservator can be found after due diligence and the court finds that
562 the health or welfare of the respondent is in jeopardy, the

563 Commissioner [of Social Services] on Aging shall accept appointment,
564 within available appropriations, as conservator of the person, of any
565 respondent sixty years of age or older found incapable under said
566 sections of caring for himself or herself, whose liquid assets, excluding
567 burial insurance in an amount up to one thousand five hundred
568 dollars, do not exceed one thousand five hundred dollars at the time of
569 such appointment.

570 (b) The Commissioner [of Social Services] on Aging may delegate
571 any power, duty or function arising from the appointment of such
572 commissioner as either conservator of the estate or of the person
573 respectively, to an employee of the Department [of Social Services] on
574 Aging.

575 (c) When so appointed, such commissioner or his designees shall
576 have all the powers and duties of a conservator as provided in sections
577 45a-644 to 45a-662, inclusive. The department may contract with any
578 public or private agency or person to assist in the carrying out of the
579 duties as conservator of the estate or the person.

580 (d) During the term of appointment of the Commissioner [of Social
581 Services] on Aging as conservator, if a suitable person or legally
582 qualified person, corporation or municipal or state official is found to
583 replace such commissioner as conservator, such person, corporation or
584 official may be appointed successor conservator subject to the approval
585 of the court of probate.

586 (e) The Commissioner [of Social Services] on Aging shall adopt
587 regulations in accordance with the provisions of chapter 54 setting
588 forth the terms and conditions of the acceptance and the termination of
589 appointment as conservator of the estate or person in accordance with
590 this section.

591 (f) Subject to the approval of the probate court having jurisdiction,
592 the estate of any person for whom the Commissioner [of Social
593 Services] on Aging has been appointed conservator pursuant to this

594 section shall be liable for payment for the cost of service as conservator
595 and, to the extent possible, payment to such commissioner for such
596 service shall be made from the assets of the estate.

597 (g) In any proceeding to appoint the Commissioner [of Social
598 Services] on Aging as conservator, the court shall appoint an attorney
599 to represent the person for whom such commissioner has been
600 appointed conservator if such person is without legal representation.

601 Sec. 25. Subsection (a) of section 45a-654 of the general statutes is
602 repealed and the following is substituted in lieu thereof:

603 (a) Upon written application for appointment of a temporary
604 conservator brought by any person deemed by the court to have
605 sufficient interest in the welfare of the respondent, including but not
606 limited to the spouse or any relative of the respondent, the first
607 selectman, chief executive officer or head of the department of welfare
608 of the town of residence or domicile of any respondent, the
609 Commissioner [of Social Services] on Aging, the board of directors of
610 any charitable organization, as defined in section 21a-190a, or the chief
611 administrative officer of any nonprofit hospital or such officer's
612 designee, the Court of Probate may appoint a temporary conservator,
613 if it finds that: (1) The respondent is incapable of managing his affairs
614 or incapable of caring for himself and (2) irreparable injury to the
615 mental or physical health or financial or legal affairs of the respondent
616 will result if a temporary conservator is not appointed pursuant to this
617 section. The court may, in its discretion, require the temporary
618 conservator to give a probate bond. The temporary conservator shall
619 have charge of the property or of the person of the respondent or both
620 for such period of time or for such specific occasion as the court finds
621 to be necessary, provided a temporary appointment shall not be valid
622 for more than thirty days, unless at any time while the appointment of
623 a temporary conservator is in effect, an application is filed for
624 appointment of a conservator of the person or estate under section 45a-
625 650. The court may extend the appointment of the temporary

626 conservator until the disposition of such application, or for an
627 additional thirty days, whichever occurs first.

628 Sec. 26. Section 17b-490 of the general statutes is repealed and the
629 following is substituted in lieu thereof:

630 As used in sections 17b-490 to 17b-498, inclusive, as amended by
631 this act:

632 (a) "Pharmacy" means a pharmacy licensed under section 20-594 or
633 a pharmacy located in a health care institution, as defined in
634 subsection (a) of section 19a-490, which elects to participate in the
635 program;

636 (b) "Prescription drugs" means (1) legend drugs, as defined in
637 section 20-571, (2) any other drugs which by state law or regulation
638 require the prescription of a licensed practitioner for dispensing,
639 except products prescribed for cosmetic purposes as specified in
640 regulations adopted pursuant to section 17b-494, as amended by this
641 act, and on and after September 15, 1991, diet pills, smoking cessation
642 gum, contraceptives, multivitamin combinations, cough preparations
643 and antihistamines, and (3) insulin, insulin syringes and insulin
644 needles;

645 (c) "Reasonable cost" means the cost of the prescription drug
646 determined in accordance with the formula adopted by the
647 Commissioner [of Social Services] on Aging in regulations for medical
648 assistance purposes plus a dispensing fee equal to the fee determined
649 by said commissioner for medical assistance purposes;

650 (d) "Resident" means a person legally domiciled within the state for
651 a period of not less than one hundred eighty-three days immediately
652 preceding the date of application for inclusion in the program. Mere
653 seasonal or temporary residences within the state, of whatever
654 duration, shall not constitute domicile;

655 (e) "Disabled" means a person over eighteen years of age who is

656 receiving disability payments pursuant to either Title 2 or Title 16 of
657 the Social Security Act of 1935, as amended;

658 (f) "Commissioner" means the Commissioner [of Social Services] on
659 Aging;

660 (g) "Income" means adjusted gross income as determined for
661 purposes of the federal income tax plus any other income of such
662 person not included in such adjusted gross income minus Medicare
663 Part B premium payments. The amount of any Medicaid payments
664 made on behalf of such person or the spouse of such person shall not
665 constitute income;

666 (h) "Program" means the Connecticut Pharmaceutical Assistance
667 Contract to the Elderly and the Disabled Program otherwise known as
668 ConnPACE;

669 (i) "Pharmaceutical manufacturer" means any entity holding legal
670 title to or possession of a national drug code number issued by the
671 federal Food and Drug Administration;

672 (j) "Average manufacturer price" means the average price paid by a
673 wholesaler to a pharmaceutical manufacturer, after the deduction of
674 any customary prompt payment discounts, for a product distributed
675 for retail sale.

676 Sec. 27. Subsection (a) of section 17b-491 of the general statutes is
677 repealed and the following is substituted in lieu thereof:

678 (a) There shall be a "Connecticut Pharmaceutical Assistance
679 Contract to the Elderly and the Disabled Program" which shall be
680 within the Department [of Social Services] on Aging. The program
681 shall consist of payments by the state to pharmacies for the reasonable
682 cost of prescription drugs dispensed to eligible persons minus a
683 copayment charge, effective July 1, 1993, of twelve dollars for each
684 prescription. The pharmacy shall collect the copayment charge from
685 the eligible person at the time of each purchase of prescription drugs,

686 and shall not waive, discount or rebate in whole or in part such
687 amount.

688 Sec. 28. Subsection (a) of section 17b-492 of the general statutes is
689 repealed and the following is substituted in lieu thereof:

690 (a) Eligibility for participation in the program shall be limited to any
691 resident (1) who is sixty-five years of age or older or who is disabled,
692 (2) whose annual income, if unmarried, is less than thirteen thousand
693 eight hundred dollars, or whose annual income, if married, when
694 combined with that of his spouse is less than sixteen thousand six
695 hundred dollars, (3) who is not insured under a policy which provides
696 full or partial coverage for prescription drugs once a deductible
697 amount is met, and (4) on and after September 15, 1991, who pays an
698 annual twenty-five-dollar registration fee to the Department [of Social
699 Services] on Aging. On January 1, 1998, and annually thereafter, the
700 commissioner shall, by the adoption of regulations in accordance with
701 chapter 54, increase the income limits established under this subsection
702 over those of the previous fiscal year to reflect the annual inflation
703 adjustment in Social Security income, if any. Each such adjustment
704 shall be determined to the nearest one hundred dollars.

705 Sec. 29. Subsection (d) of section 17b-492 of the general statutes is
706 repealed and the following is substituted in lieu thereof:

707 (d) The Commissioner [of Social Services] on Aging may adopt
708 regulations in accordance with the provisions of chapter 54 to
709 implement the provisions of subsection (c) of this section. Such
710 regulations may provide for the electronic transmission of relevant
711 coverage information between a pharmacist and the department or
712 between an insurer and the department in order to expedite
713 applications and notice.

714 Sec. 30. Section 17b-494 of the general statutes is repealed and the
715 following is substituted in lieu thereof:

716 The Commissioner [of Social Services] on Aging shall adopt
717 regulations, in accordance with the provisions of chapter 54, to
718 establish (1) a system for determining eligibility and disqualification
719 under the program, including provisions for an identification number
720 and a renewable, nontransferable identification card; (2) requirements
721 for the use of the identification number and card by the pharmacy and
722 the eligible person; (3) a system of payments; (4) limitations on the
723 maximum quantity per prescription which shall not exceed a thirty-
724 day supply or one hundred twenty oral dosage units whichever is
725 greater; (5) requirements as to records to be kept by the pharmacy,
726 including patient profiles; (6) products prescribed for cosmetic and
727 other purposes which shall not be covered under the program; and (7)
728 such other provisions as are necessary to implement the provisions of
729 sections 17b-490 to 17b-495, inclusive.

730 Sec. 31. Section 17b-498 of the general statutes is repealed and the
731 following is substituted in lieu thereof:

732 The Commissioner [of Social Services] on Aging shall undertake an
733 educational outreach program to make known the provisions of the
734 program to the public, with emphasis on reaching the elderly and the
735 disabled in the state through the various local and state-wide agencies
736 and organizations concerned with the elderly and the disabled, and to
737 all pharmacies in the state.

738 Sec. 32. Section 17b-520 of the general statutes is repealed and the
739 following is substituted in lieu thereof:

740 As used in sections 17b-520 to 17b-535, inclusive:

741 [(a)] (1) "Continuing-care contract" means an agreement pursuant to
742 which a provider undertakes to furnish to a person not related by
743 consanguinity or affinity to the provider, shelter and medical or
744 nursing services or other health-related benefits for the life of a person
745 or for a period in excess of one year, and which requires a present or
746 future transfer of assets or an entrance fee in addition to or instead of

747 periodic charges, and the amount of the assets required to be
748 transferred or the entrance fee is equal to or in excess of the amount set
749 by the commissioner in regulations adopted pursuant to section 17b-
750 533;

751 [(b)] (2) "Entrance fee" means the total of any initial or deferred
752 transfer to, or for the benefit of, a provider of a sum of money or other
753 property made or promised to be made as full or partial consideration
754 for acceptance or maintenance of a person as a resident pursuant to a
755 continuing-care contract;

756 [(c)] (3) "Facility" means the place in which a provider undertakes to
757 furnish shelter or care to a person pursuant to a continuing-care
758 contract;

759 [(d)] (4) "Provider" means any person, corporation, limited liability
760 company, business trust, trust, partnership, unincorporated association
761 or other legal entity, or any combination of such entities, undertaking
762 to furnish shelter and medical or nursing services or other health-
763 related benefits pursuant to a continuing-care contract;

764 [(e)] (5) "Resident" means any person entitled to receive present or
765 future shelter and medical or nursing services or other health-related
766 benefits pursuant to a continuing-care contract, provided nothing in
767 sections 17b-520 to 17b-535, inclusive, shall affect rights otherwise
768 afforded to residents while they are patients in healthcare facilities as
769 defined in subsections (a), (b) and (c) of section 19a-490;

770 [(f)] (6) "Affiliate of a provider" means any person, corporation,
771 limited liability company, business trust, trust, partnership,
772 unincorporated association or other legal entity directly or indirectly
773 controlling, controlled by or in common control with a provider;

774 [(g)] (7) "Offer" means an offer through either personal, telephone or
775 mail contact or other communication directed to or received by a
776 person at a location within this state as an inducement, solicitation or

777 attempt to encourage a person to enter into a continuing-care contract
778 and shall include any paid advertisement published or broadcast
779 within this state, except for advertisements in periodicals where more
780 than two-thirds of the circulation is outside this state but shall not
781 include marketing or feasibility studies;

782 [(h)] (8) "Shelter" means a room, apartment, cottage or other living
783 area in a facility set aside for the exclusive use of one or more persons
784 pursuant to a continuing-care contract;

785 [(i)] (9) "Medical or nursing services or other health-related benefits"
786 means services or benefits which shall include care in a nursing
787 facility, priority admission to a nursing facility, home health care or
788 assistance with activities of daily living, to which a resident becomes
789 contractually entitled;

790 [(j)] (10) "Department" means the Department [of Social Services] on
791 Aging;

792 [(k)] (11) "Commissioner" means the Commissioner [of Social
793 Services] on Aging.

794 Sec. 33. Section 17b-550 of the general statutes is repealed and the
795 following is substituted in lieu thereof:

796 As used in sections 17b-550 to 17b-554, inclusive, as amended by
797 this act:

798 (1) "Department" means the Department [of Social Services] on
799 Aging;

800 (2) "Commissioner" means the Commissioner [of Social Services] on
801 Aging;

802 (3) "Medicare assignment" means acceptance by a health care
803 provider of the Medicare-determined reasonable charge as payment in
804 full for services rendered to persons enrolled in the Medicare

805 insurance program;

806 (4) "Income" means adjusted gross income as determined for
807 purposes of the federal income tax plus any other income of such
808 person not subject to federal taxation;

809 (5) "Program" means the Connecticut Medicare assignment program
810 otherwise known as CONNMAP;

811 (6) "Resident" means a person legally domiciled within the state for
812 a period of not less than one hundred eighty-three days immediately
813 preceding the date of application for inclusion in the program. Mere
814 seasonal or temporary residences within the state, of whatever
815 duration, shall not constitute domicile;

816 (7) "Health care provider" means a person who provides care,
817 treatment, service or equipment covered by Medicare Part B under
818 Title XVIII of the Social Security Act, as amended.

819 Sec. 34. Subsection (b) of section 17b-552 of the general statutes is
820 repealed and the following is substituted in lieu thereof:

821 (b) The Commissioner [of Social Services] on Aging shall adopt
822 regulations in accordance with the provisions of chapter 54, necessary
823 to administer the program and to determine eligibility in accordance
824 with the provisions of section 17b-551.

825 Sec. 35. Section 17b-450 of the general statutes is amended by
826 adding subdivisions (6) and (7) as follows:

827 (NEW) (6) "Commissioner" means the Commissioner on Aging.

828 (NEW) (7) "Department" means the Department on Aging.

829 Sec. 36. Subsection (a) of section 17b-451 of the general statutes, as
830 amended by public act 99-101 and section 15 of public act 99-102, is
831 repealed and the following is substituted in lieu thereof:

832 (a) Any physician or surgeon licensed under the provisions of
833 chapter 370, any resident physician or intern in any hospital in this
834 state, whether or not so licensed, any registered nurse, any nursing
835 home administrator, nurse's aide or orderly in a nursing home facility,
836 any person paid for caring for a patient in a nursing home facility, any
837 staff person employed by a nursing home facility, any patients'
838 advocate and any licensed practical nurse, medical examiner, dentist,
839 optometrist, chiropractor, podiatrist, social worker, clergyman, police
840 officer, pharmacist, psychologist or physical therapist, who has
841 reasonable cause to suspect or believe that any elderly person has been
842 abused, neglected, exploited or abandoned, or is in a condition which
843 is the result of such abuse, neglect, exploitation or abandonment, or
844 who is in need of protective services, shall within five calendar days
845 report such information or cause a report to be made in any reasonable
846 manner to the Commissioner [of Social Services] on Aging or to the
847 person or persons designated by the commissioner to receive such
848 reports. Any person required to report under the provisions of this
849 section who fails to make such report shall be fined not more than five
850 hundred dollars.

851 Sec. 37. Subsection (b) of section 17b-452 of the general statutes is
852 repealed and the following is substituted in lieu thereof:

853 (b) The Department [of Social Services] on Aging shall maintain a
854 state-wide registry of the reports received, the evaluation and findings
855 and the actions taken.

856 Sec. 38. Section 17b-453 of the general statutes is repealed and the
857 following is substituted in lieu thereof:

858 (a) If it is determined that an elderly person is in need of protective
859 services, [services shall be initiated,] provided the elderly person
860 consents. If the elderly person fails to consent and the protective
861 services staff of the Department [of Social Services] on Aging has
862 reason to believe that such elderly person is incapable of managing his
863 personal or financial affairs, the protective services staff shall provide

864 protective services to the extent possible and may apply to Probate
865 Court for the appointment of a conservator of person or estate, as
866 appropriate.

867 (b) If the caretaker of an elderly person who has consented to the
868 receipt of reasonable and necessary protective services refuses to allow
869 the provision of such services to such elderly person, the
870 Commissioner [of Social Services] on Aging may petition the Superior
871 Court or the Probate Court for an order enjoining the caretaker from
872 interfering with the provision of protective services to the elderly
873 person. The petition shall allege specific facts sufficient to show that
874 the elderly person is in need of protective services and consents to
875 their provision and that the caretaker refuses to allow the provision of
876 such services. If the judge finds that the elderly person is in need of
877 such services and has been prevented by the caretaker from receiving
878 the same, the judge may issue an order enjoining the caretaker from
879 interfering with the provision of protective services to the elderly
880 person.

881 Sec. 39. Section 17b-454 of the general statutes is repealed and the
882 following is substituted in lieu thereof:

883 Any person, department, agency or commission authorized to carry
884 out the duties enumerated in sections 17b-450 to 17b-461, inclusive, as
885 amended by this act, shall have access to all relevant records, except
886 that records which are confidential to an elderly person shall only be
887 divulged with the written consent of the elderly person or his
888 representative. The authority of the Department [of Social Services] on
889 Aging shall include, but not be limited to, the right to initiate or
890 otherwise take those actions necessary to assure the health, safety and
891 welfare of any elderly person, subject to any specific requirement for
892 individual consent, and the right to authorize the transfer of an elderly
893 person from a nursing home.

894 Sec. 40. Section 17b-455 of the general statutes is repealed and the
895 following is substituted in lieu thereof:

896 If an elderly person does not consent to the receipt of reasonable
897 and necessary protective services, or if such person withdraws the
898 consent, such services shall not be provided or continued, except that if
899 the Commissioner [of Social Services] on Aging has reason to believe
900 that such elderly person lacks capacity to consent, he may seek court
901 authorization to provide necessary services, as provided in section
902 17b-456, as amended by this act.

903 Sec. 41. Section 17b-456 of the general statutes is repealed and the
904 following is substituted in lieu thereof:

905 (a) If the Commissioner [of Social Services] on Aging finds that an
906 elderly person is being abused, neglected, exploited or abandoned and
907 lacks capacity to consent to reasonable and necessary protective
908 services, he may petition the Probate Court for appointment of a
909 conservator of the elderly person pursuant to the provisions of sections
910 45a-644 to 45a-662, inclusive, as amended by this act, in order to obtain
911 such consent.

912 (b) Such elderly person or the individual, agency or organization
913 designated to be responsible for the personal welfare of the elderly
914 person shall have the right to bring a motion in the cause for review of
915 the Probate Court's determination regarding the elderly person's
916 capacity or an order issued pursuant to sections 17b-450 to 17b-461,
917 inclusive, as amended by this act.

918 (c) The Probate Court may appoint, if it deems appropriate, the
919 Commissioner [of Social Services] on Aging to be the conservator of
920 the person of such elderly person.

921 (d) In any proceeding in Probate Court pursuant to provisions of
922 sections 17b-450 to 17b-461, inclusive, as amended by this act, the
923 Probate Court shall appoint an attorney to represent the elderly person
924 if he is without other legal representation.

925 Sec. 42. Section 17b-457 of the general statutes is repealed and the

926 following is substituted in lieu thereof:

927 In performing the duties set forth in sections 17b-450 to 17b-461,
928 inclusive, the Department [of Social Services] on Aging may request
929 the assistance of the staffs and resources of all appropriate state
930 departments, agencies and commissions and local health directors, and
931 may utilize any other public or private agencies, groups or individuals
932 who are appropriate and who may be available.

933 Sec. 43. Section 17b-458 of the general statutes is repealed and the
934 following is substituted in lieu thereof:

935 Subsequent to the authorization for the provision of reasonable and
936 necessary protective services, the Department [of Social Services] on
937 Aging shall initiate a review of each case within ninety days, to
938 determine whether continuation of, or modification in, the services
939 provided is warranted. A decision to continue the provision of such
940 services should be made in concert with appropriate personnel from
941 other involved state and local groups, agencies and departments, and
942 shall comply with the consent provisions of sections 17b-450 to 17b-
943 461, inclusive, as amended by this act. Reevaluations of each such case
944 shall be made every ninety days thereafter.

945 Sec. 44. Section 17b-459 of the general statutes is repealed and the
946 following is substituted in lieu thereof:

947 Concurrent with the implementation of any protective services, an
948 evaluation shall be undertaken by the Department [of Social Services]
949 on Aging, pursuant to regulations which shall be adopted by the
950 Commissioner [of Social Services] on Aging, in accordance with
951 chapter 54, regarding the elderly person's financial capability for
952 paying for the protective services. If the person is so able, procedures
953 for the reimbursement for the costs of providing the needed protective
954 services shall be initiated. If it is determined that the person is not
955 financially capable of paying for such needed services, the services
956 shall be provided in accordance with policies and procedures

957 established by the Commissioner [of Social Services] on Aging for the
958 provision of welfare benefits under such circumstances.

959 Sec. 45. Section 17b-461 of the general statutes is repealed and the
960 following is substituted in lieu thereof:

961 [Regulations shall be promulgated by the Commissioner of Social
962 Services] The Commissioner on Aging shall adopt regulations, in
963 accordance with the provisions of chapter 54, to carry out the
964 provisions of sections 17b-450 to 17b-461, inclusive, as amended by this
965 act.

966 Sec. 46. Section 17b-400 of the general statutes, as amended by
967 section 1 of public act 99-176, is repealed and the following is
968 substituted in lieu thereof:

969 (a) As used in this chapter:

970 (1) "State agency" means the [Division of Elderly Services of the
971 Department of Social Services] Department on Aging.

972 (2) "Office" means the Office of the Long-Term Care Ombudsman
973 established in this section.

974 (3) "State Ombudsman" means the State Ombudsman established in
975 this section.

976 (4) "Program" means the long-term care ombudsman program
977 established in this section.

978 (5) "Representative" includes a regional ombudsman, a residents'
979 advocate or an employee of the Office of the Long-Term Care
980 Ombudsman who is individually designated by the ombudsman.

981 (6) "Resident" means an older individual who resides in or is a
982 patient in a long-term care facility who is sixty years of age or older.

983 (7) "Long-term care facility" means any skilled nursing facility, as

984 defined in Section 1819(a) of the Social Security Act, (42 USC 1395i-
985 3(a)) any nursing facility, as defined in Section 1919(a) of the Social
986 Security Act, (42 USC 1396r(a)) a board and care facility as defined in
987 Section 102(19) of the federal Older Americans Act, (42 USC 3002(19))
988 and for purposes of ombudsman program coverage, an institution
989 regulated by the state pursuant to Section 1616(e) of the Social Security
990 Act, (42 USC 1382e(e)) and any other adult care home similar to a
991 facility or nursing facility or board and care home.

992 (8) "Commissioner" means the Commissioner [of Social Services] on
993 Aging.

994 [(9) "Director" means the director of the Division of Elderly Services
995 of the Department of Social Services.]

996 [(10)] (9) "Applicant" means an older individual who has applied for
997 admission to a long-term care facility.

998 (b) There is established an independent Office of the Long-Term
999 Care Ombudsman within the Department [of Social Services] on
1000 Aging. The Commissioner [of Social Services] on Aging shall appoint a
1001 State Ombudsman who shall be selected from among individuals with
1002 expertise and experience in the fields of long-term care and advocacy
1003 to head the office and the State Ombudsman shall appoint assistant
1004 regional ombudsmen. In the event the State Ombudsman or an
1005 assistant regional ombudsman is unable to fulfill the duties of the
1006 office, the commissioner shall appoint an acting State Ombudsman and
1007 the State Ombudsman shall appoint an acting assistant regional
1008 ombudsman.

1009 (c) Notwithstanding the provisions of subsection (b) of this section,
1010 on and after July 1, 1990, the positions of State Ombudsman and
1011 regional ombudsmen shall be classified service positions. The State
1012 Ombudsman and regional ombudsmen holding said positions on said
1013 date shall continue to serve in their positions as if selected through
1014 classified service procedures. As vacancies occur in such positions

1015 thereafter, such vacancies shall be filled in accordance with classified
1016 service procedures.

1017 Sec. 47. Section 17b-406 of the general statutes, as amended by
1018 section 7 of public act 99-176, is repealed and the following is
1019 substituted in lieu thereof:

1020 (a) Residents' advocates, under supervision of the regional
1021 ombudsmen, shall assist the regional ombudsmen in the performance
1022 of all duties and responsibilities of the regional ombudsmen as
1023 described in section 17b-405.

1024 (b) All long-term care facilities shall post or cause to be posted in a
1025 conspicuous place therein a list of the names of the appropriate
1026 residents' advocates and the names, addresses, and telephone numbers
1027 of the appropriate ombudsmen.

1028 (c) The Commissioner [of Social Services] on Aging shall have
1029 authority to seek funding for the purposes contained in this section
1030 from public and private sources, including but not limited to any
1031 federal or state funded programs.

1032 Sec. 48. Section 17b-407 of the general statutes, as amended by
1033 section 14 of public act 99-102 and section 8 of public act 99-176, is
1034 repealed and the following is substituted in lieu thereof:

1035 (a) Any physician or surgeon licensed under the provisions of
1036 chapter 370, any resident physician or intern in any hospital in this
1037 state, whether or not so licensed, and any registered nurse, licensed
1038 practical nurse, medical examiner, dentist, optometrist, chiropractor,
1039 podiatrist, social worker, clergyman, police officer, pharmacist,
1040 physical therapist, long-term care facility administrator, nurse's aide or
1041 orderly in a long-term care facility, any person paid for caring for a
1042 patient in a long-term care facility, any staff person employed by a
1043 long-term care facility and any person who is a sexual assault
1044 counselor or a battered women's counselor as defined in section

1045 52-146k who has reasonable cause to suspect or believe that a resident
1046 in a long-term care facility has been abused, neglected, exploited or
1047 abandoned, or is in a condition that is the result of such abuse, neglect,
1048 exploitation or abandonment, shall within five calendar days report
1049 such information or cause a report to be made in any reasonable
1050 manner to the Commissioner [of Social Services] on Aging pursuant to
1051 chapter 319dd. Any person required to report under the provision of
1052 this section who fails to make such report within the prescribed time
1053 period shall be fined not more than five hundred dollars.

1054 (b) Such report shall contain the name and address of the long-term
1055 care facility, the name of the involved resident, information regarding
1056 the nature and extent of the abuse, neglect, exploitation or
1057 abandonment and any other information which the reporter believes
1058 might be helpful in an investigation of the case and for the protection
1059 of the resident.

1060 (c) Any other person having reasonable cause to believe that a
1061 resident in a long-term care facility is being, or has been, abused,
1062 neglected, exploited or abandoned, or any person who wishes to file
1063 any other complaint regarding a long-term care facility, shall report
1064 such information in accordance with subsection (b) in any reasonable
1065 manner to the Commissioner [of Social Services] on Aging who shall
1066 inform the resident of the services of the Office of the Long-Term Care
1067 Ombudsman.

1068 (d) Such report or complaint shall not be deemed a public record,
1069 and shall not be subject to the provisions of section 1-210. Information
1070 derived from such reports or complaints for which reasonable grounds
1071 are determined to exist after investigation as provided for in section
1072 17b-408, including the identity of the long-term care facility, the
1073 number of complaints received, the number of complaints
1074 substantiated and the types of complaints, may be disclosed by the
1075 Commissioner [of Social Services] on Aging, except that in no case
1076 shall the name of the resident or the complainant be revealed, unless

1077 such person specifically requests such disclosure or unless a judicial
1078 proceeding results from such report or complaint.

1079 (e) Anyone who makes a report or complaint pursuant to this
1080 section or who testifies in any administrative or judicial proceeding
1081 arising from the report shall be immune from any civil or criminal
1082 liability on account of such report or complaint or testimony, except
1083 for liability for perjury, unless such person acted in bad faith or with
1084 malicious purpose.

1085 (f) The person filing a report or complaint pursuant to the
1086 provisions of this section shall be notified of the findings of any
1087 investigation conducted by the Commissioner [of Social Services] on
1088 Aging, upon request.

1089 (g) The Commissioner [of Social Services] on Aging shall maintain a
1090 registry of the reports received, the investigations made, the findings
1091 and the actions recommended and taken.

1092 Sec. 49. Section 17b-411 of the general statutes, as amended by
1093 section 12 of public act 99-176, is repealed and the following is
1094 substituted in lieu thereof:

1095 The Commissioner [of Social Services] on Aging, after consultation
1096 with the State Ombudsman, shall adopt regulations in accordance with
1097 the provisions of chapter 54, to carry out the provisions of sections
1098 17b-400 to 17b-412, inclusive, 19a-531 and 19a-532.

1099 Sec. 50. Section 17b-412 of the general statutes, as amended by
1100 section 13 of public act 99-176, is repealed and the following is
1101 substituted in lieu thereof:

1102 The [director] Commissioner on Aging shall require the State
1103 Ombudsman to:

1104 (1) Prepare an annual report:

1105 (A) Describing the activities carried out by the office in the year for
1106 which the report is prepared;

1107 (B) Containing and analyzing the data collected under section 17b-
1108 413;

1109 (C) Evaluating the problems experienced by and the complaints
1110 made by or on behalf of residents;

1111 (D) Containing recommendations for (i) improving the quality of
1112 the care and life of the residents, and (ii) protecting the health, safety,
1113 welfare and rights of the residents;

1114 (E) (i) Analyzing the success of the program including success in
1115 providing services to residents of long-term care facilities; and (ii)
1116 identifying barriers that prevent the optimal operation of the program;
1117 and

1118 (F) Providing policy, regulatory and legislative recommendations to
1119 solve identified problems, to resolve the complaints, to improve the
1120 quality of the care and life of residents, to protect the health, safety,
1121 welfare and rights of residents and to remove the barriers that prevent
1122 the optimal operation of the program.

1123 (2) Analyze, comment on and monitor the development and
1124 implementation of federal, state and local laws, regulations and other
1125 government policies and actions that pertain to long-term care facilities
1126 and services, and to the health, safety, welfare and rights of residents
1127 in the state, and recommend any changes in such laws, regulations and
1128 policies as the office determines to be appropriate.

1129 (3) (A) Provide such information as the office determines to be
1130 necessary to public and private agencies, legislators and other persons,
1131 regarding (i) the problems and concerns of older individuals residing
1132 in long-term care facilities; and (ii) recommendations related to the
1133 problems and concerns; and (B) make available to the public and
1134 submit to the federal assistant secretary for aging, the Governor, the

1135 General Assembly, the Department of Public Health and other
1136 appropriate governmental entities, each report prepared under
1137 subdivision (1) of this section.

1138 Sec. 51. Section 17b-1 of the general statutes is repealed and the
1139 following is substituted in lieu thereof:

1140 (a) There is established a Department of Social Services. The
1141 department head shall be the Commissioner of Social Services, who
1142 shall be appointed by the Governor in accordance with the provisions
1143 of sections 4-5 to 4-8, inclusive, with the powers and duties therein
1144 prescribed.

1145 (b) The Department of Social Services shall constitute a successor
1146 department to the Department of Income Maintenance [.] and the
1147 Department of Human Resources [and the Department on Aging] in
1148 accordance with the provisions of sections 4-38d and 4-39.

1149 (c) Wherever the words "Commissioner of Income Maintenance" [.]
1150 or "Commissioner of Human Resources" [or "Commissioner on
1151 Aging"] are used in the general statutes, the words "Commissioner of
1152 Social Services" shall be substituted in lieu thereof. Wherever the
1153 words "Department of Income Maintenance" [.] or "Department of
1154 Human Resources" [or "Department on Aging"] are used in the general
1155 statutes, "Department of Social Services" shall be substituted in lieu
1156 thereof.

1157 (d) Any order or regulation of the Department of Income
1158 Maintenance [.] or the Department of Human Resources [or the
1159 Department on Aging] which is in force on July 1, 1993, shall continue
1160 in force and effect as an order or regulation of the Department of Social
1161 Services until amended, repealed or superseded pursuant to law.
1162 Where any order or regulation of said departments conflict, the
1163 Commissioner of Social Services may implement policies and
1164 procedures consistent with the provisions of public act 93-262* while in
1165 the process of adopting the policy or procedure in regulation form,

1166 provided notice of intention to adopt the regulations is printed in the
1167 Connecticut Law Journal within twenty days of implementation. The
1168 policy or procedure shall be valid until the time final regulations are
1169 effective.

1170 Sec. 52. Section 17b-2 of the general statutes is repealed and the
1171 following is substituted in lieu thereof:

1172 The Department of Social Services is designated as the state agency
1173 for the administration of (1) the child care development block grant
1174 pursuant to the Child Care and Development Block Grant Act of 1990;
1175 (2) the Connecticut energy assistance program pursuant to the Low
1176 Income Home Energy Assistance Act of 1981; [(3) programs for the
1177 elderly pursuant to the Older Americans Act; (4)] (3) the state plan for
1178 vocational rehabilitation services for the fiscal year ending June 30,
1179 1994; [(5)] (4) the refugee assistance program pursuant to the Refugee
1180 Act of 1980; [(6)] (5) the legalization impact assistance grant program
1181 pursuant to the Immigration Reform and Control Act of 1986; [(7)] (6)
1182 the temporary assistance for needy families program pursuant to the
1183 Personal Responsibility and Work Opportunity Reconciliation Act of
1184 1996; [(8)] (7) the Medicaid program pursuant to Title XIX of the Social
1185 Security Act; [(9)] (8) the food stamp program pursuant to the Food
1186 Stamp Act of 1977; [(10)] (9) the state supplement to the Supplemental
1187 Security Income Program pursuant to the Social Security Act; [(11)]
1188 (10) the state child support enforcement plan pursuant to Title IV-D of
1189 the Social Security Act; and [(12)] (11) the state social services plan for
1190 the implementation of the social services block grants and community
1191 services block grants pursuant to the Social Security Act. The
1192 Department of Social Services is designated a public housing agency
1193 for the purpose of administering the Section 8 existing certificate
1194 program and the housing voucher program pursuant to the Housing
1195 Act of 1937.

1196 Sec. 53. Section 17b-4 of the general statutes is repealed and the
1197 following is substituted in lieu thereof:

1198 (a) The Department of Social Services shall plan, develop,
1199 administer, operate, evaluate and provide funding for services for
1200 individuals and families served by the department who are in need of
1201 personal or economic development. In cooperation with other social
1202 service agencies and organizations, including community-based
1203 agencies, the department shall work to develop and fund prevention,
1204 intervention and treatment services for individuals and families. The
1205 department shall: (1) Provide appropriate services to individuals and
1206 families as needed through direct social work services rendered by the
1207 department and contracted services from community-based
1208 organizations funded by the department; (2) collect, interpret and
1209 publish statistics relating to individuals and families serviced by the
1210 department; (3) monitor, evaluate and review any program or service
1211 which is developed, operated or funded by the department; (4)
1212 supervise the establishment of pilot programs funded by the
1213 department in local communities which assist and support individuals
1214 and families in personal and economic development; (5) improve the
1215 quality of services provided, operated and funded by the department
1216 and increase the competency of its staff relative to the provision of
1217 effective social services by establishing and supporting ongoing staff
1218 development and training; and (6) encourage citizen participation in
1219 the development of social service priorities and programs.

1220 [(b) The Department of Social Services shall study continuously the
1221 conditions and needs of elderly and aging persons in this state in
1222 relation to nutrition, transportation, home-care, housing, income,
1223 employment, health, recreation and other matters. It shall be
1224 responsible in cooperation with federal, state, local and area planning
1225 agencies on aging for the overall planning, development and
1226 administration of a comprehensive and integrated social service
1227 delivery system for elderly persons and the aged. The department
1228 shall: (1) Measure the need for services; (2) survey methods of
1229 administration of programs for service delivery; (3) provide for
1230 periodic evaluations of social services; (4) maintain technical,
1231 information, consultation and referral services in cooperation with

1232 other state agencies to local and area public and private agencies to the
1233 fullest extent possible; (5) develop and coordinate educational
1234 outreach programs for the purposes of informing the public and
1235 elderly persons of available programs; (6) cooperate in the
1236 development of performance standards for licensing of residential and
1237 medical facilities with appropriate state agencies; (7) supervise the
1238 establishment, in selected areas and local communities of the state, of
1239 pilot programs for elderly persons; (8) coordinate with the state
1240 Department of Transportation to provide adequate transportation
1241 services related to the needs of elderly persons; and (9) cooperate with
1242 other state agencies to provide adequate and alternate housing for
1243 elderly persons, including congregate housing as defined in section 8-
1244 119e.]

1245 [(c)] (b) The Department of Social Services, in conjunction with the
1246 Department of Public Health, may adopt regulations in accordance
1247 with the provisions of chapter 54 to establish requirements with
1248 respect to the submission of reports concerning financial solvency and
1249 quality of care by nursing homes for the purpose of determining the
1250 financial viability of such homes, identifying homes that appear to be
1251 experiencing financial distress and examining the underlying reasons
1252 for such distress. Such reports shall be submitted to the Nursing Home
1253 Financial Advisory Committee established under section 17b-339.

1254 Sec. 54. Section 17b-343 of the general statutes is repealed and the
1255 following is substituted in lieu thereof:

1256 The Commissioner of Social Services, after consultation with the
1257 Commissioner on Aging, shall establish annually the maximum
1258 allowable rate to be paid by said agencies for homemaker services,
1259 chore person services, companion services, respite care, meals on
1260 wheels, adult day care services, case management and assessment
1261 services, transportation, mental health counseling and elderly foster
1262 care, except that the maximum allowable rates in effect July 1, 1990,
1263 shall remain in effect during the fiscal years ending June 30, 1992, and

1264 June 30, 1993. The Commissioner of Social Services shall prescribe
1265 uniform forms on which agencies providing such services shall report
1266 their costs for such services. Such rates shall be determined on the
1267 basis of a reasonable payment for necessary services rendered. The
1268 maximum allowable rates established by the Commissioner of Social
1269 Services for the Connecticut home-care program for the elderly
1270 established under section 17b-342, shall constitute the rates required
1271 under this section until revised in accordance with this section. The
1272 Commissioner of Social Services shall establish a fee schedule, to be
1273 effective on and after July 1, 1994, for homemaker services, chore
1274 person services, companion services, respite care, meals on wheels,
1275 adult day care services, case management and assessment services,
1276 transportation, mental health counseling and elderly foster care. The
1277 commissioner may annually increase any fee in the fee schedule based
1278 on an increase in the cost of services. Nothing contained in this section
1279 shall authorize a payment by the state to any agency for such services
1280 in excess of the amount charged by such agency for such services to
1281 the general public.

1282 Sec. 55. Subsection (h) of section 10a-178 of the general statutes is
1283 repealed and the following is substituted in lieu thereof:

1284 (h) "Nursing home" means any institution which is or will be
1285 eligible to be licensed as an institution under sections 19a-490 to 19a-
1286 503, inclusive, or a facility which (1) provides chronic and convalescent
1287 nursing care, (2) is a rest home with nursing facilities, (3) provides
1288 health care facilities for the handicapped, (4) is a home for elderly
1289 persons or physically handicapped or mentally handicapped persons
1290 or (5) is a continuing care facility registered with the Department [of
1291 Social Services] on Aging, pursuant to chapter 319f.

1292 Sec. 56. Section 4-60i of the general statutes is repealed and the
1293 following is substituted in lieu thereof:

1294 The Commissioner of Social Services shall (1) develop, throughout
1295 the Departments of Mental Retardation, Public Health, Correction,

1296 Children and Families and Mental Health and Addiction Services, and
1297 the Department on Aging uniform management information, uniform
1298 statistical information, uniform terminology for similar facilities and
1299 uniform regulations for the licensing of human services facilities, (2)
1300 plan for increased participation of the private sector in the delivery of
1301 human services, (3) provide direction and coordination to federally
1302 funded programs in the human services agencies and recommend
1303 uniform system improvements and reallocation of physical resources
1304 and designation of a single responsibility across human services
1305 agencies lines to eliminate duplication.

1306 Sec. 57. Subsection (c) of section 17b-337 of the general statutes, as
1307 amended by section 1 of public act 99-28, is repealed and the following
1308 is substituted in lieu thereof:

1309 (c) The Long-Term Care Planning Committee shall consist of: (1)
1310 The chairpersons and ranking members of the joint standing and select
1311 committees of the General Assembly having cognizance of matters
1312 relating to human services, public health, elderly services and
1313 long-term care; (2) the Commissioner of Social Services, or the
1314 commissioner's designee; (3) one member of the Office of Policy and
1315 Management appointed by the Secretary of the Office of Policy and
1316 Management; (4) one member from the Department of Social Services
1317 appointed by the Commissioner of Social Services; (5) one member
1318 from the Department of Public Health appointed by the Commissioner
1319 of Public Health; (6) one member from the Department of Economic
1320 and Community Development appointed by the Commissioner of
1321 Economic and Community Development; (7) one member from the
1322 Office of Health Care Access appointed by the Commissioner of
1323 Health Care Access; (8) one member from the Department of Mental
1324 Retardation appointed by the Commissioner of Mental Retardation;
1325 (9) one member from the Department of Mental Health and Addiction
1326 Services appointed by the Commissioner of Mental Health and
1327 Addiction Services; [and] (10) one member from the Department of
1328 Transportation appointed by the Commissioner of Transportation; and

1329 (11) the Commissioner on Aging, or the Commissioner's designee. The
1330 committee shall convene no later than ninety days after June 4, 1998.
1331 Any vacancy shall be filled by the appointing authority. The
1332 chairperson shall be elected from among the members of the
1333 committee. The committee shall seek the advice and participation of
1334 any person, organization or state or federal agency it deems necessary
1335 to carry out the provisions of this section.

1336 Sec. 58. Subsection (a) of section 17b-338 of the general statutes is
1337 repealed and the following is substituted in lieu thereof:

1338 (a) There is established a Long-Term Care Advisory Council which
1339 shall consist of the following: (1) The [executive director of the
1340 Commission on Aging, or his] Commissioner on Aging or the
1341 commissioner's designee; (2) the State Nursing Home Ombudsman, or
1342 [his] designee; (3) the president of the Coalition of Presidents of
1343 Resident Councils, or [his] designee; (4) the executive director of the
1344 Legal Assistance Resource Center of Connecticut, or [his] designee; (5)
1345 one representative of the Connecticut Chapter of the American
1346 Association of Retired Persons, appointed by the president of said
1347 chapter; (6) one representative of a bargaining unit for health care
1348 employees, appointed by the president of such bargaining unit; (7) the
1349 president of the Connecticut Association of Not-For-Profit Providers
1350 for the Aging, or [his] designee; (8) the president of the Connecticut
1351 Association of Health Care Facilities, or [his] designee; and (9) the
1352 president of the Connecticut Association of Licensed Homes for the
1353 Aged, or [his] designee.

1354 Sec. 59. Section 17b-362a of the general statutes is repealed and the
1355 following is substituted in lieu thereof:

1356 The Commissioner of Social Services shall establish a pharmacy
1357 review panel to serve as advisors in the operation of pharmacy benefit
1358 programs administered by the Department of Social Services or the
1359 Department on Aging, including the implementation of any cost-
1360 saving initiatives undertaken pursuant to section 17b-362, subsection

1361 (e) of section 17b-491 and section 17b-363. The panel shall be appointed
1362 by the commissioner to a three-year term and shall be composed of
1363 the Commissioner on Aging or the commissioner's designee, two
1364 representatives of independent pharmacies, two representatives of
1365 chain pharmacies, two representatives of pharmaceutical
1366 manufacturers, one physician specializing in family practice and one
1367 physician specializing in internal medicine or geriatrics. The panel
1368 shall meet at least quarterly with the commissioner or [his] the
1369 commissioner's designee.

1370 Sec. 60. Section 17b-362 of the general statutes is repealed and the
1371 following is substituted in lieu thereof:

1372 (a) A prescription for a maintenance drug, as determined by the
1373 Commissioner of Social Services, dispensed for the first time to any
1374 Medicaid [or ConnPACE] recipient, shall be dispensed in an amount
1375 not greater than a ten-day supply.

1376 (b) Each nursing home which participates in the Medicaid program
1377 may request of the dispensing pharmacist that a prescription be
1378 dispensed in an amount equal to a five-day supply whenever (1) a
1379 drug product is prescribed for the first time for a patient who is a
1380 Medicaid recipient or (2) a refill of a prescription is necessary for such
1381 a patient and the patient's discharge from the home is imminent.

1382 Sec. 61. (NEW) A prescription for a maintenance drug, as
1383 determined by the Commissioner on Aging, dispensed for the first
1384 time to any ConnPACE recipient, shall be dispensed in an amount not
1385 greater than a ten-day supply.

1386 Sec. 62. This act shall take effect July 1, 2000.

Statement of Purpose:

To reestablish the Department on Aging.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]